

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

July 15, 2022

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Haaland and Secretary Vilsack,

Both the Department of the Interior (DOI) and the Department of Agriculture (USDA) failed to respond to our May 17, 2022, letter, regarding the administration of the National Parks and Public Land Legacy Restoration Fund (Legacy Restoration Fund).¹ We find disconcerting the lack of responsiveness involving your departments' stewardship of \$9.5 billion of taxpayer money for this important Fund.² The National Park Service's (NPS)³ and U.S. Forest Service's (USFS)⁴ updated deferred maintenance backlog statistics heighten our concerns about DOI's and USDA's management of these funds. Therefore, we urge you to provide details about the decision-making processes employed to address the maintenance backlog within your departments.

Comparing NPS's current backlog with the projects it proposed to fund in fiscal year (FY) 2023 raises significant questions about the agency's unclear process for addressing its deferred maintenance. Concerningly, NPS, in some cases, seems to prioritize funding for relatively obscure park units in urban areas over crown jewels of the National Park System in rural areas. For example, in the FY 2023 project list, one particular congressional district, represented by Speaker Nancy Pelosi, is slated to receive \$165,866,000 in Legacy Restoration Funds for projects in two park units – an amount that could otherwise address the deferred maintenance backlog in eleven states totaling 35 park units, and still have nearly \$2 million in

¹ See Letter from Rep. Bruce Westerman, Ranking Member, H. Comm. on Nat. Res., et al., to The Hon. Debra Haaland, Sec'y, U.S. Dep't of the Interior & The Hon. Thomas Vilsack, Sec'y, U.S. Dep't of Agriculture (May 17, 2022) (on file with Comm.).

² U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT, *About the Legacy Restoration Fund*, <https://www.doi.gov/gaoa/about> (last visited July 5, 2022).

³ Compare NAT'L PARK SERVICE, NPS DEFERRED MAINTENANCE BY STATE AND PARK, (Sept. 2018), available at https://www.nps.gov/subjects/infrastructure/upload/NPS-Deferred-Maintenance-FY18-State_and_Park_2018.pdf (In 2018 the total deferred maintenance backlog was \$11.9 billion) with NAT'L PARK SERVICE, INFRASTRUCTURE, *By the Numbers*, <https://www.nps.gov/subjects/infrastructure/deferred-maintenance.htm> (last visited July 5, 2022) (A current estimated backlog of \$21.8 billion).

⁴ See Marc Heller, *Forest Service Chief Takes Heat on Maintenance Backlog*, E&E NEWS, June 10, 2022, <https://subscriber.politicopro.com/article/eenews/2022/06/10/forest-service-chief-takes-heat-on-maintenance-backlog-00038508>.

excess available funds.⁵ In total, this one congressional district will receive approximately 12.5 percent of NPS's overall funds for deferred maintenance.⁶ The FY 2023 project list also proposes that major metropolitan areas receive funding for only six park units. The proposed amount could otherwise address all the deferred maintenance backlogs of Alaska, Iowa, Idaho, Nebraska, Oklahoma, and South Dakota combined, totaling 46 park units.⁷

Notably, several iconic parks were not included on NPS's FY 2023 project list. Although among the best⁸ and most visited parks in the nation,⁹ Yosemite National Park, Zion National Park, Grand Teton National Park, and Rocky Mountain National Park were absent from NPS's FY 23 project list.¹⁰ These parks, however, each face significant maintenance backlogs.¹¹ NPS's distribution of funding calls into question how the agency prioritizes projects to address their deferred maintenance.

We are also concerned that agency officials are failing to take their growing maintenance backlogs seriously. During a June 9, 2022, hearing on the administration's FY 2023 budget request, USFS Chief Randy Moore faced strong criticism for his agency's proposal to decrease spending on deferred maintenance projects by 12 percent, despite an increase in USFS's total

⁵ Compare U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT (GAOA) – NAT'L PARKS AND PUBLIC LAND LEGACY RESTORATION FUND, *Nat'l Park Service – FY 23 Project List*, (March 28, 2022) at 5-6 (Congressional district CA-12 is proposed to receive \$165,866,000) available at https://doi.gov/sites/doi.gov/files/doi-fy23-gaoa-dm-project-list-rev1-508_0.pdf with U.S. DEP'T OF THE INTERIOR, NAT'L PARK SERVICE, *Infrastructure – Identifying & Reporting Deferred Maintenance, Reports by State*, <https://www.nps.gov/subjects/infrastructure/identifying-reporting-deferred-maintenance.htm#states> (last visited July 5, 2022) (The deferred maintenance backlogs of Connecticut, Iowa, Illinois, Kansas, Louisiana, Minnesota, Vermont, Rhode Island, Nebraska, Oklahoma, and New Hampshire encompass 35 park units for a total backlog of \$164,000,000).

⁶ U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT (GAOA) – NAT'L PARKS AND PUBLIC LAND LEGACY RESTORATION FUND, *Nat'l Park Service – FY 23 Project List*, (March 28, 2022) available at https://doi.gov/sites/doi.gov/files/doi-fy23-gaoa-dm-project-list-rev1-508_0.pdf (last visited July 5, 2022).

⁷ Compare U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT (GAOA) – NAT'L PARKS AND PUBLIC LAND LEGACY RESTORATION FUND, *Nat'l Park Service – FY 23 Project List*, (March 28, 2022) at 5-7 (The cities of San Francisco, CA, Washington, D.C., Philadelphia, PA, New York City, NY, and Boston, MA received \$391,099,000) available at https://doi.gov/sites/doi.gov/files/doi-fy23-gaoa-dm-project-list-rev1-508_0.pdf with U.S. DEP'T OF THE INTERIOR, NAT'L PARK SERVICE, *Infrastructure – Identifying & Reporting Deferred Maintenance, Reports by State*, <https://www.nps.gov/subjects/infrastructure/identifying-reporting-deferred-maintenance.htm#states> (last visited July 5, 2022) (The deferred maintenance backlogs of Alaska, Iowa, Idaho, Nebraska, Oklahoma, and South Dakota encompass 46 park units for a total backlog of \$388,000,000).

⁸ U.S. NEWS, *Best U.S. Nat'l Parks*, <https://travel.usnews.com/rankings/best-national-parks-in-the-usa/> (last visited June 17, 2022).

⁹ U.S. DEP'T OF THE INTERIOR, NAT'L PARK SERVICE, *Visitation Numbers*, (last updated Feb. 16, 2022), <https://www.nps.gov/aboutus/visitation-numbers.htm> (last visited July 5, 2022).

¹⁰ See U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT (GAOA) – NAT'L PARKS AND PUBLIC LAND LEGACY RESTORATION FUND, *Nat'l Park Service – FY 23 Project List*, (March 28, 2022) available at https://doi.gov/sites/doi.gov/files/doi-fy23-gaoa-dm-project-list-rev1-508_0.pdf.

¹¹ U.S. DEP'T OF THE INTERIOR, NAT'L PARK SERVICE, *Infrastructure – Identifying & Reporting Deferred Maintenance, Reports by State*, <https://www.nps.gov/subjects/infrastructure/identifying-reporting-deferred-maintenance.htm#states> (last visited June 17, 2022) (The deferred maintenance backlog of Yosemite National Park is \$1,042,000,000, the deferred maintenance backlog of Zion National Park is \$58,000,000, the deferred maintenance backlog of Grand Teton National Park is \$149,000,000, and the deferred maintenance backlog of Rocky Mountain National Park is \$118,000,000).

backlog to \$6.3 billion.¹² USFS efforts to address its backlog were categorized as “continuing to defer maintenance” and “digging the hole deeper.”¹³ Coupled with USFS’s vague descriptions for projects receiving FY 2023 Legacy Restoration Funds,¹⁴ the inability to reduce the agency’s total maintenance backlog raises concerns about USFS’s management of the Legacy Restoration Fund.

While NPS’s and USFS’s publicly available data causes concern, the lack of information from the remaining agencies allocating money from the Legacy Restoration Fund is equally alarming. Without a current accounting of each agency’s deferred maintenance, it remains uncertain whether billions of taxpayer dollars are effectively being used to address the maintenance backlog. Therefore, we reiterate the unsatisfied requests from our May 17, 2022, letter and seek additional information to evaluate your departments’ implementation of the Great American Outdoors Act. To assist with our oversight activities, please provide the following documents as soon as possible, but no later than 5:00 p.m., July 29, 2022:

1. A document sufficient to describe a full accounting of all funds your Department distributed through the Legacy Restoration Fund, including, but not limited to, the total obligated funds, the total funds spent, and remaining costs for projects that already received partial funding, but may still be incomplete.
2. A document sufficient to describe the factors your Department considers when selecting deferred maintenance projects to receive Legacy Restoration Fund allocations.
3. All documents and communications, including, but not limited to, memoranda and emails, referring or relating to your Department’s priority determination assigned to each selected deferred maintenance project from January 20, 2021 to present. Please ensure inclusion of all projects in the Golden Gate National Recreation Area and San Francisco Maritime National Historical Park.
4. A document sufficient to list all existing deferred maintenance projects with corresponding state and unit information, including, but not limited to, anticipated costs of repair, applicable FYs, and anticipated timeframes to complete the projects.
5. A document sufficient to describe your Department’s monitoring process for projects funded by the Legacy Restoration Fund, including, but not limited to, timeliness of project completion, whether projects exceed their projected budgets, and policies that improve efficient implementation of the Great American Outdoors Act.
6. A document sufficient to describe the proposed projects for Maintenance Action Teams for FY 2023.

¹² *Supra* note 4.

¹³ *Id.*

¹⁴ See U.S. DEP’T OF AGRICULTURE, U.S. FOREST SERVICE, FISCAL YEAR 2023 BUDGET JUSTIFICATION, (Mar. 2022), at 203 – 210.

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7. A document sufficient to explain the increase in NPS deferred maintenance costs, including, but not limited to, the method of deferred maintenance cost calculation and an annual accounting of total deferred maintenance costs in FY 2018, 2019, 2020, 2021, and 2022.
8. A document sufficient to explain the increase in USFS deferred maintenance costs, including, but not limited to, the method of deferred maintenance cost calculation and an annual accounting of total deferred maintenance costs in FY 2018, 2019, 2020, 2021, and 2022.
9. A document listing the individuals, including their titles agencies of employment, and locations of offices, involved in drafting or approving the FY 2023 proposed project lists in your Department.
10. A document sufficient to describe the total number of visitors in 2021 for each of the units proposed to receive Legacy Restoration Funds in the FY 2023 project lists at your Department.

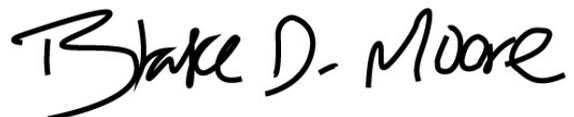
Please contact the Oversight and Investigations Subcommittee Minority staff at HNRR.Oversight@mail.house.gov with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Blake Moore
Ranking Member
Subcommittee on Oversight
and Investigations



Russ Fulcher
Ranking Member
Subcommittee on National Parks,
Forests, and Public Lands



Cliff Bentz
Ranking Member
Subcommittee on Waters, Oceans,
and Wildlife

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Jay Obernolte
Acting Ranking Member
Subcommittee for Indigenous Peoples
of the United States



Pete Stauber
Ranking Member
Subcommittee on Energy and
Mineral Resources

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources
The Honorable Katie Porter, Chair, Subcommittee on Oversight and Investigations
The Honorable Joe Neguse, Chair, Subcommittee on National Parks, Forests, and Public
Lands
The Honorable Jared Huffman, Chair, Subcommittee on Waters, Oceans, and Wildlife
The Honorable Teresa Leger Fernandez, Chair, Subcommittee for Indigenous Peoples of
the United States
The Honorable Alan Lowenthal, Chair, Subcommittee on Energy and Mineral Resources

Enclosure